6,542,967 to Major (hereinafter "Major"). Claims 5 and 6 are rejected under 35 U.S.C. § 103(a)

as being unpatentable over Daugherty. Claims 7-12 are rejected under 35 U.S.C. § 103(a) as

being unpatentable over Daugherty in view of U.S. Patent No. 6,298,373 to Burns et al.

(hereinafter "Burns"). The Examiner further alleges that claims 13-36, 38, and 39 are

corresponding apparatus and article or manufacture claims of the method claims 1-12 and 37,

and accordingly, they are rejected under the same rationale. Applicant respectfully traverses in

view of the following comments. Applicant respectfully incorporates by references arguments

submitted in the Response under 37 C.F.R. § 1.111 filed on April 13, 2005.

To anticipate a claim under 35 U.S.C. § 102, Daugherty must teach each and every

element and recitation of the Applicant's claims. Further, Daugherty must teach each element of

the claims in as complete detail as set forth in the claims, *Richardson v. Suzuki Motor Co.*, 868

F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Rejections under 35 U.S.C. § 102 are

proper only when the claimed subject matter is identically disclosed or described in the prior art.

Thus, the reference must clearly and unequivocally disclose every element and recitation of the

claimed invention.

It is respectfully submitted that Daugherty does not anticipate the claims for at least the

following reasons. Claim 1, for example, is directed to a method for managing data stored in a

data storage device. The claim requires "*determining that a web page is to be cached, wherein*

the web page references other objects... automatically managing the cached web page and the

stored referenced objects to ensure the display of a complete web page." It is respectfully

submitted that Daugherty does not disclose or even suggest these limitations. In fact, Daugherty

is no more relevant than the previously cited reference.

2

A.   A web page as set forth in claim 1 is different from Daugherty's XML data structure

In response to Applicant's arguments, the Examiner maintains that "a web page" is

equivalent to an XML data structure as taught by Daugherty. For support of this position, the

Examiner relies on Microsoft Computer Dictionary, which was not provided to the Applicant

(*see* page 8 of the Office Action). The Examiner is respectfully requested to send Applicant a

copy of the Microsoft Computer Dictionary reference.

Applicant respectfully submits that even *assuming arguendo* that a web page can be in an

XML format, Daugherty's XML structure does not disclose all the limitations as set forth in

claim 1. First, Daugherty recites an XML data structure and not an XML page. That is,

Daugherty discloses "a data structure in extensible Markup Language (XML) format that

specifies different HTML clips for that web page," emphasis added (col. 5, lines 41 to 45).

Daugherty further discloses that the XML data structure contains a parameter description

for building a cache-key. Daugherty's cache key contains the following information: the

identification of the provider, and name-value pair parameters that communicate sufficient

information to the provider object so that it is able to generate the HTML clip. The XML

description of the web pages allegedly makes Daugherty's architecture easily extensible (col. 5,

lines 49 to col. 6, line 3). "The XML describes parameters and how to look them up for a given

user request" (col. 6, lines 3 and 4). Changes in the XML allegedly allow the system to easily

add or remove content providers, or change the personalization parameters being used for a

given content provider. The XML data structures allegedly may be cached.

Accordingly, if as alleged by the Examiner, the XML data structure is the same as a web

page, than accordingly to claim 1 the cached XML data structures must be automatically

managed to ensure a display of a complete XML data structure. Daugherty, however, does not

teach or suggest displaying an XML data structure, as this structure describes parameters and

how to look them up. Daugherty does not teach or suggest ensuring display of a complete XML

data structure In short, the Examiner's interpretation of equating an XML data structure to a web

page is not supported by the prior art.

Finally, Applicant respectfully submits that Daugherty discloses a web page that is

displayed and XML structure that describes parameters. As is clear from the use of the term

"web page" and the term "XML structure" in Daugherty, XML structure is not different to the

web page (see cols. 5 and 6 discussing the web page and the XML structure as different things).

In fact, no where Daugherty discloses that the XML structure is the web page that is displayed to

the user. It is respectfully submitted that one of ordinary skill in the art would not confuse the

XML structure disclosed in Daugherty with the web page disclosed therein, at least because

Daugherty, the reference relied on by the Examiner, distinguishes between the two.

B. Daugherty's XML structure does not reference objects for the web page

Next, in response to Applicant's arguments, the Examiner maintains that the "XML data

structure references objects for that web page" (*see* page 8 of the Office Action). For support,

the Examiner turns to column 5, lines 41 to 48 of Daugherty, which recite:

> This personalization in one embodiment
> occurs as follows. Depending on the URL
> address of the web page requested, **the ISAPI**
> **106 references a data structure in**
> **extensible Markup Language (XML) format that**

4

> **specifies different HTML clips** for that web
> page. Furthermore, the cookie file stored by
> **the user browser 100 determines which of**
> **those HTML clips are to be used** to return to
> the user browser 100. The XML data
> structures may be cached, (emphasis added).

That is, as is recited above, it is the ISAPI (Internet Server Application Programming Interface) that references the XML data structure that <u>**specifies**</u> different HTML clips and the cookies file is being used to determine which of the HTML clips specified by the user browser to use. In other words, contrary to the Examiner's allegations, the XML data structure does not reference the HTML clips for the web page. Instead, in Daugherty, the XML data structure specifies a number of different HTML clips, some of which are selected for the web page by using a cookie file.

In short, Daugherty's XML data structure <u>specifies but does not reference</u> HTML clips. Moreover, the XML data structure merely specifies various different HTML clips, <u>only some of which</u> are selected for a web page by using a cookie file.

C. *Daugherty fails to teach or suggest ensuring the display of a complete web page*

Furthermore, the Examiner alleges that Daugherty discloses "automatically managing the cached web pages and the referenced objects to ensure the display of a complete web page." Specifically, the Examiner alleges that "Daugherty teaches once all the HTML clips have been retrieved from one or more data stores (*either retrieved from the first-level cache 110 or from the second-level cache 112*), the server 102 returns them to the browser 100 for display thereon, the server 102 returns the completed web page (Daugherty, C5: L3-7-40)" (*see* page 9 of the Office Action).

First, it is respectfully pointed out that Daugherty draws a distinction between the XML data structure and a web page. If the Examiner alleges that the XML data structure is a web page, then, to meet the unique features of claim 1, Daugherty must disclose displaying a complete XML data structure. Daugherty, however, only discloses displaying a webpage and fails to teach or suggest displaying an XML data structure. In fact, Daugherty discloses that only HTML is displayed (*e.g.* Daugherty discloses that the content providers may have a small well-defined set of XML data files that can be merged into pre-authored HTML fragments, col. 8, lines 60 to 67).

Moreover, Daugherty only discloses that "[a]s it receives the HTML clips, or in another embodiment once all the HTML clips have been retrieved, the server 102 returns them to the user browser 100 for display thereon. The server 102 may also return the completed web page" (col. 5, lines 36 to 40). That is, as disclosed by Daugherty, the retrieved HTML clips do not ensure a display of a complete web page. Instead, it appears that Daugherty's server 102 could return only the HTML clips to the web browser or, in alternative, the server 102 may generate the web page 102 using these HTML clips and return the completed web page. In short, Daugherty relates to providing personalized information and fails to teach or suggest ensuring a display of a complete web page.

For at least these exemplary reasons, Applicant respectfully submits that independent claim 1 is patentably distinguishable from Daugherty. Applicant therefore respectfully requests the Examiner to reconsider and withdraw this rejection of independent claim 1. With respect to independent claims 13 and 25, Applicant respectfully submits that they recite features similar to the features discussed above with respect to claim 1, and hence are patentable for at least the

6

same reasons. Consequently, claims 4, 16, 26, 28, and 37-39 are not anticipated by Daugherty,

at least by virtue of their dependency from the independent claims discussed above.

The exemplary deficiencies of Daugherty, as set forth above, are not cured by Major and

Burns, either alone or in combination. Consequently, claims 2, 3, 5-12, 14, 15, 17-25, 27, and

29-36 are patentable over the applied references, at least by virtue of their dependency from the

independent claims.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue, the Examiner

is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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Attorney Docket No.: A8492

7